IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.275 OF 2006
IN
CRIMINAL APPEAL NO.250 OF 2006

Manohar Bhimu Chavan
and Anr. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.S.M.Oak, Advocate for the Applicants.
Mrs.V.R.Bhosale, APP, for the State.

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CORAM : D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI, JJ.

DATED : APRIL 25, 2006.

ORAL ORDER (PER Smt.TAHILRAMANI,J.)

. Heard Mr.Oak learned Advocate for the applicants and Mrs.Bhosale learned APP for the State.

2. The applicants have been convicted under Section 302 of IPC for causing death of Latika. The applicants are now seeking bail.

3. Applicant No.2 is a lady of 65 years of age. Applicant No.1 is over 70 years of age. There is no eye witness to the incident and the only material against the applicants is dying declarations of the deceased. Two dying declarations are made by Latika. We have perused both the dying declarations and we find that the roles attributed to the applicants in the said two dying declarations are contradictory. In the first dying declaration, Latika has stated that applicant No.2 poured kerosene on her and applicant No.1 set her on fire. Whereas, in the second dying declaration Latika has stated that applicant No.1 poured kerosene on her and applicant No.2 set her on fire.

4. Thus, the roles attributed to the applicants by Latika, in the said two dying declarations, are contradictory. Moreover, it is seen that when Latika was admitted to the Hospital, she was examined by P.W.1 Dr.Dilip Bavajkar. P.W.1 Dr.Dilip has stated that on

enquiry by him, Latika gave history of suicidal burns. The Doctor has categorically stated that none of the relatives of Latika was present in the Emergency room when Latika had narrated the history. He has noted the history given by Latika in the case papers which is at Exh.37. Thus, from the evidence of P.W.1 Dr.Dilip, it is seen that Latika had given history of suicidal burns.

5. Moreover, from the evidence of P.W.2 Chandrakant Chavan, it is seen that when Latika was burning, the door of the room in which Latika burning was closed. Even after giving several blows on the door, they could not open the door. After some time, Latika herself opened the door. From this, it appears that Latika had closed the door and thereafter she set herself on fire. Thus, we find much merit in the submission made by Mr.Oak learned Advocate for the applicants that had the applicants set Latika on fire, as alleged by Latika, the door of the room would not be closed and Latika alone would not be there in that room. In such case, we find much merit in the

submission made by Mr.Oak learned Advocate for the applicants that Latika appears to have committed suicide.

6. In this view of the matter, we are inclined to grant bail to both the applicants.

7. Both the applicants be released on bail in the sum of Rs.15,000/- (Rs.Fifteen Thousand Only) each, with one or two sureties to make-up the said amount. Both the applicants shall report once in three months at concerned Police Station, till the disposal of their Appeal.

8. Application is disposed of.

(D.G.DESHPANDE, J.)

(SMT.V.K.TAHILRAMANI,J.)